PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Robert R. BUCKLEY et al.

Group Art Unit: 2622

Application No.: 09/368,354

Examiner: J. Pokrzywa

Filed: August 5, 1999

Docket No.: 103044

For: METHOD AND SYSTEMS FOR UNDERCOLOR REDUCTION

DECLARATION UNDER 37 C.F.R. §1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We, Robert R. Buckley and Randall P. Cole, hereby declare and state that:

1. This Declaration is submitted as evidence that so much of the subject matter claimed in the above-identified application as is shown in U.S. Patent 6,343,846 to Asano was invented by us prior to May 2, 1998 which is the effective date of U.S. Patent 6,343,846 to Asano, entitled "Ink Jet Printing Apparatus Capable of Printing in the Same Quality Regardless of Sheet Type," which was applied in the November 16, 2004 Office Action.

2. We are the named inventors in the above-identified application.

3. We are the inventors of the invention disclosed in an invention proposal entitled "Implementing Intelligent Black Overprint on the Raster Image Output from a Postscript RIP" which appears as Exhibit A attached to this Declaration.

4. The copies of these pages which constitute Exhibit A are true copies of the invention proposal. The dates of signing the invention proposal have been redacted.

5.   The invention described by Exhibit A was conceived and actually reduced to practice by us in the United States prior to March 2, 1998.

6.   Exhibit A establishes that we were in possession of so much of the invention recited in claims 1-22 as is shown by U.S. Patent 6,343,846 to Asano prior to March 2, 1998 as evidenced by the entire disclosure of Exhibit A.

7.   The Office Action cites and applies U.S. Patent 6,343,846 to Asano, as teaching:

a.   "generating information that designates the overmarked pixels." This feature is disclosed in Exhibit A on page 2, paragraphs 4-6.

b.   "performing *image processing* to create a *processed image* of the color image, the *image processing* including overmarking processing that allows both the at least one first color and a second color to be separately included in the overmarked pixels in the same *processed image*." This feature is shown in Exhibit A on page 2, paragraphs 3-7, and page 1, in the first paragraph following the "brief summary or abstract of the invention" paragraph.

c.   "modifying image data of the overmarked pixels in the processed image to achieve undercolor reduction by reducing a value corresponding to a reduced amount of an undercolor marking material." This feature is shown in Exhibit A on page 2, paragraphs 3-7, and page 1, in the first paragraph following the "brief summary or abstract of the invention" paragraph.

8.   With respect to independent claim 10, the Office Action cites and applies U.S. Patent 6,343,846 to Asano, as teaching:

a.   "an overmarked pixel designator that generates information that designates the overmarked pixels." This feature is disclosed in Exhibit A on page 2, paragraph 4.

b.   "an *image processor* that creates a *processed image* as a color image, the *image processor* provided with an overmarking function that allows both of the at least one first color and the second color to be separately included in the overmarked pixels in the same *processed image*." This feature is disclosed in Exhibit A on page 2, paragraphs 1 and 3, and page 1, in the first paragraph following the "brief summary or abstract of the invention" paragraph.

c.   "an image data modification unit that modifies image data of the overmarked pixels and the processed image to achieve undercolor reduction by reducing a value corresponding to a reduced amount of an underlying marking material." This feature is shown in Exhibit A on page 2, paragraphs 3-7, and page 1, in the first paragraph following the "brief summary or abstract of the invention" paragraph.

9.   We have addressed all of the claimed features of the independent claims as allegedly shown by Asano and have demonstrated that Exhibit A supports all of the features.

10.   Prior to March 2, 1998, we carried out an actual reduction to practice of our invention as claimed in claims 1-22 of the above-identified application and as described throughout Exhibit A. In this regard, page 1 clearly states "Intelligent Black has been demonstrated for text using the CImager, i.e. an in-RIP implementation. This implementation maintains a compressed temporary record of the colors successively laid down on the page, so that when black is laid down, what is going down on top of is known and can be modified, which is what intelligent black does." Page 2 of Exhibit A clearly states "attached are two

figures, which show output from the Digital Majestik without and with the Intelligent Black processing described in this proposal." Included in Exhibit A is a copy of the two figures referred to at page 2, last paragraph. Page 4, lines 6 and 7 of Exhibit A clearly states "Reduced to practice."

11.   We hereby declare and state that all statements made herein of our own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and/or imprisonment under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Date: _January 21, 2005_   _____
                                              Robert R. Buckley

Date: _____   _____
                                              Randall P. Cole

Attachment:
    Exhibit A